

Message Text

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C O N F I D E N T I A L MOSCOW 12790

LIMDIS

E.O. 11652: XGDS-4
TAGS: PGOV, PINT, UR, SPOP
SUBJECT: SOVIETS REPORTED DRAFTING NEW LEGISLATION
ON CITIZENSHIP AND INTERNATIONAL AGREEMENTS

1. A MEMBER OF ONE OF ACADEMY OF SCIENCE INSTITUTES
INFORMED CHARGE PRIVATELY THAT HE HAS BEEN ASSIGNED TO
WORK ON SPECIAL COMMISSIONS TO DRAFT TWO NEW PIECES OF
LEGISLATION ON (A) CITIZENSHIP AND EMIGRATION: AND (B)
CONCLUSION AND IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.
ALTHOUGH WE HAVE NO OTHER CORROBORATION OF HIS ACCOUNT,
IT SEEMS PLAUSIBLE.

2. CITIZENSHIP AND EMIGRATION: ACCORDING TO SOURCE, THIS
IS INTENDED TO BECOME THE BASIC LAW ON SOVIET CITIZENSHIP.
THE DRAFTING PANEL, MADE UP OF SIX LEGAL EXPERTS, WAS
CONVENED ON THE INSTRUCTIONS OF FIRST DEPUTY CHAIRMAN
OF USSR SUPREME SOVIET PRESIDUM, V. V. KUZNETSOV. THE
PANEL'S INSTRUCTIONS ARE TO PRODUCE A DRAFT BY MID-JUNE,
WHICH WILL PERMIT INTERNAL DISCUSSION AND CLEARANCES OVER
THE SUMMER, AND A FINAL DRAFT FOR APPROVAL OF THE SUPREME
SOVIET PRESIDUM IN SEPTEMBER, PRIOR TO ADOPTION BY THE
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SUPREME SOVIET AT ITS AUTUMN SESSION. OUR SOURCE
COMMENTED THAT THE DRAFTING PANEL WOULD MAKE AN EFFORT
TO PROVIDE CLEAR GUIDELINES REGARDING EMIGRATION AND
WOULD ATTEMPT TO LIMIT ADMINISTRATIVE AUTHORITY TO DENY
APPLICATIONS. HE ADDED, HOWEVER, THAT THIS WAS CERTAIN
TO BE A HIGHLY CONTROVERSIAL PART OF THE NEW LEGISLATION,
AND HE COULD NOT PREDICT WHETHER THE PANEL'S EFFORTS IN

THIS DIRECTION WOULD SURVIVE THE CLEARANCE AND APPROVAL PROCESS. HE DID SAY THAT THE IDEA HAS THE STRONG SUPPORT OF KUZNETSOV, WHO WOULD LIKE TO SEE A "REGULARIZATION" OF EMIGRATION PROCEDURES.

3. INTERNATIONAL AGREEMENTS: OUR SOURCE STATED THAT THE IMPETUS FOR SEEKING NEW DRAFT LEGISLATION ON THIS TOPIC CAME FROM A STUDY WHICH DEMONSTRATED THAT THE PROVISIONS OF SOVIET LAW REGARDING CONCLUSION AND IMPLEMENTATION OF INTERNATIONAL AGREEMENTS ARE INSUFFICIENTLY CLEAR, AND THE RESULT IS A CONFUSION OF SIGNED AGREEMENTS, SOME WITH CONFLICTING PROVISIONS, AND UNCERTAINTY OVER WHETHER FURTHER IMPLEMENTING LEGISLATION IS REQUIRED OR NOT. THE CURRENT DRAFTING EFFORT, THEREFORE, IS AIMED NOT MERELY AT CODIFYING CURRENT PRACTICE, BUT ALSO AT PROVIDING CLEAR GUIDELINES REGARDING DELEGATION OF AUTHORITY FOR SIGNING AGREEMENTS AND PROCEDURES FOR IMPLEMENTATION. IT WOULD ALSO SETTLE THE QUESTION OF WHETHER INTERNATIONAL AGREEMENTS TAKE PRECEDENCE OVER DOMESTIC LEGISLATION, A POINT WHICH, HE SAID, IS NOW UNCLEAR IN SOVIET LAW.

4. COMMENT: WE HAVE HEARD RUMORS BEFORE THAT NEW CITIZENSHIP LEGISLATION MIGHT BE UNDER CONSIDERATION, BUT THIS IS THE FIRST CONCRETE REPORT WE HAVE RECEIVED THAT AN OFFICIAL PANEL IS ACTUALLY AT WORK ON A DRAFT. WE ARE EVEN MORE DUBIOUS THAN OUR SOURCE THAT THE LEGISLATION -
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IF IT IS EVER ADOPTED - WILL IN FACT LIBERALIZE EMIGRATION DECISIONS, THOUGH IT CONCEIVABLY COULD INTRODUCE MORE UNIFORMITY OF PROCEDURE. ACTUAL DECISIONS ON WHAT SORT OF EMIGRATION AND HOW MUCH OF IT WILL BE PERMITTED WILL DOUBTLESS CONTINUE TO BE A PREROGATIVE OF THE POLITICAL LEADERSHIP. MATLOCK

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